IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.434 OF 2005

Hemant K. Babar. ..Applicant.

V/s.

Mahadeo Uttam Patole & Anr. ..Respondents.

Mr.Rahul S. Kate for applicant.

Ms.Rajashri Sawant for respondent No.1.

Mrs.M.M.Deshmukh, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 23, 2005.

P.C. :

1. Counsel for the applicant is relying on the decision of the Apex court in the case of **Sunderbhai A. Desai V/s. State of Gujarat, reported in AIR 2003 S.C. 638,** to contend that the Magistrate has failed to pass necessary orders on specious reasoning that the case is not triable by Magistrate.

2. Be that as it may, the learned APP states on instruction that after investigation is completed, charge-sheet is filed and the case has now been remitted to Sessions Court, Satara for trial. If it is so, in my opinion, appropriate course for the applicant is to make fresh application before the

Sessions court at Satara where the trial is pending for relief of release of vehicle in question, which application will have to be decided on its own merit in accordance with the law.

3. If above said application is filed, trial court shall decide the same as expeditiously as possible, in any case in one month from the date of presentation.

4. Application disposed of in the above terms.